

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MOORISHYU BEY,

Defendant.

X

:

:

:

:

:

:

:

:

:

X

22-CR-132 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Sentencing in this case is scheduled for January 11, 2023. The Government and the defense disagree on the applicable Sentencing Guidelines to apply in this case. It is hereby ORDERED that:

1. The Government is invited to submit to the Court the videotape footage referenced in the Presentence Report in support of the Government's argument that the Guideline for attempted murder applies in this case by no later than December 30, 2022. The Government shall also provide the videotape footage to the defense if the defense does not have it.
2. The defense shall inform the Court by no later than January 4, 2023, whether it requests an evidentiary hearing.

The parties are also hereby put on notice that the Court is considering a one-level downward departure in the criminal history category on the grounds that the defendant's criminal history substantially overrepresents the seriousness of the defendant's criminal history. The grounds for such departure would be that virtually all of defendant's prior offenses consist of the same type of fraudulent accosting offense.

SO ORDERED.

Dated: December 27, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge